

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES CARROLL,	)	
	)	
Plaintiff,	)	Civil Action No. 11-807
	)	Judge Schwab
v.	)	Magistrate Judge Bissoon
	)	
ALLEGHENY COUNTY JAIL, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Charles Carroll (“Plaintiff”) is an inmate confined to Allegheny County Jail (“ACJ”), in Pittsburgh, Pennsylvania. Plaintiff brings this cause of action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983, *et seq.* In his complaint, Plaintiff alleges violations of his rights under the First, Fourth, Eighth, and Fourteenth Amendments to the Constitution of the United States. Compl. (Doc. 3) at 2. Plaintiff also raises claims under the Americans with Disabilities Act, 42 U.S. C. § 12101, *et seq.*, as well as state tort laws.

This suit commenced with Plaintiff’s placing of the complaint in the prison mail system on June 15, 2011. (Doc. 1-1) at 4. Plaintiff was granted leave to proceed *in forma pauperis* (“IFP”) on June 21, 2011. (Doc. 2). This case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On July 27, 2011, the magistrate judge issued a report and recommendation (Doc. 13), recommending that Plaintiff’s claims against Defendants SCI-Camp Hill and John Doe #2 be dismissed, with prejudice. *Id.* at 13. The magistrate judge further recommended that all of Plaintiff’s claims against Defendant John Doe be dismissed without prejudice, and that Plaintiff’s constitutional claims against Defendant ACJ be dismissed without prejudice. *Id.*

Plaintiff was granted until August 10, 2011, to file objections to the report. As of the date of this writing, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 13), the following order is entered:

AND NOW, this 17<sup>th</sup> day of August, 2011, IT IS HEREBY ORDERED that all of Plaintiff's claims against Defendants SCI-Camp Hill and Defendant John Doe #2 are **DISMISSED, with prejudice.**

IT IS FURTHER ORDERED that all of Plaintiff's claims against Defendant John Doe, as well as his constitutional claims against Defendant ACJ, are **DISMISSED, without prejudice.** Plaintiff is granted leave to file an amended complaint with respect to these claims, if appropriate, on or before September 7, 2011 (21 days of the date of this order). Failure to file an amended complaint within this period of time will result in these claims being dismissed with prejudice.

IT IS FURTHER ORDERED that Defendant SCI-Camp Hill's motion to dismiss (Doc. 9) is **DENIED as MOOT.**

IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Bissoon (Doc. 13), dated July 27, 2011, is adopted as the opinion of the Court with respect to this issue.

BY THE COURT:

s/Arthur J. Schwab  
ARTHUR J. SCHWAB  
UNITED STATES DISTRICT JUDGE

cc:  
**CHARLES CARROLL**, 37531  
Allegheny County Jail  
950 Second Avenue  
Pittsburgh, PA 15219